

From: Sami Besalel
To: Microsoft ATR
Date: 1/24/02 9:38am
Subject: Microsoft Settlement

To the honorable Judge Kollar-Kotally

Dear Your Honor:

I am a US citizen who has been a consumer of Microsoft products since I first began to use computers in 1983. I also work for Oracle Corporation, which is a competitor of Microsoft's. However, my judgments and opinions are my own, and this electronic mail message is not motivated by my employer, but by my technical and social conscience.

I strongly feel that the proposed final judgment against Microsoft is thoroughly inadequate and will not effectively achieve the stated goals (to terminate the legally recognized monopoly, to prevent future anticompetitive behavior and to deny the company the use of benefits attained through its illegal activity).

I was very concerned when I heard Microsoft's proposal to provide schools with computers and equipment, as this not only provides Microsoft with goodwill from the public (unmeasurable legally) but also allows that company access to a market traditionally held strongly by Apple Computer, a Microsoft competitor. Apple is a company of substantial technical innovation ? in fact, most of Microsoft's successes were first invented or widely distributed as part of Apple's operating systems or software. Further reducing Apple's market share by allowing Microsoft to supply (and thereby influence directly and indirectly) schools would be a painful blow and counterproductive to two of the three goals of the settlement.

Microsoft's insistence that the operating system cannot be separated from the browser is pure poppycock. As a software developer with knowledge of Windows in each of its versions from 3.1 onward, this is a manufactured reliance. Current Windows operating systems do not benefit greatly from this new reliance ? in fact, it hinders speed and thrusts a Web-paradigm graphic user interface on you that is difficult to suppress and counterintuitive.

The concept of settling for icons being placed on the desktop and concern for whether or not Microsoft will allow OEMs and resellers to have their product icons on the desktop misses the essential point. This concern faces on appearances, not function or usability. Truly it only affects those computer users who might not know how to put icons on or off the desktop. I would like my PC to not have the Internet Explorer browser on it at all ? but MS has made that impossible, citing it as a requirement when it had not been before.

Microsoft takes the concept of security as a minor concern. Yet their

operating systems and Web browsers are incredibly insecure, opening up users to likely harm from external sources. I would like to rid myself of such concerns by removing their buggy browser from my area of concern. I want it off! I don't just want to remove the icon.

This has not in the least been addressed.

Like it or not, Microsoft's anticompetitive aggressive entry into the browser market crushed the success of thousands of small but efficient Web browsers and reduced the playing field to two six-hundred-pound gorillas. We consumers have suffered.

I could write on and on for hours, but please understand that my concern is that the agreement does not punish Microsoft or prohibit them from enjoying the market share or software monopoly they have attained by leveraging their anticompetitive practices, nor are the few remedies proposed easily enforced. Please remember Mr. Gates' obvious scorn for the legal process, and his condescending attitude throughout the process and scurrilous disregard for applying the stated laws to himself and his company. Consider this as you address the binding final judgment, which I urge you to revise more strongly.

This is not about the economy.

This is about long-standing wrong-doing, unpunished, unrepentant shark-like behavior, and the desire to twist and spin any aspect into a market driver to improve this company's success.

Respectfully,

Samuel H. Besalel

Private citizen, software consumer, software developer